

08 CV 00246
08 CV 00246
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

PERVAIZ QURESHI,

Plaintiff, **PETITION FOR REMOVAL**

-against-

YURIY A. DRON, LARISA MAGALYUR
and FAST TRACK, LLC,

Defendant.

TO THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
NEW YORK, FOLEY SQUARE:

Defendant, YURIY A. DRON, LARISA MAGALYUR and FAST TRACK, LLC,
files this Notice for Removal under 28 U.S.C. §§ 1141, 1446 and Federal Rules of Civil
Procedure, Rule 81 (c) and Local Rule 81.1 and respectfully shows the Court:

- A. These defendants are requesting removal to the above Court in the above-entitled action.
- B. The above-entitled action was commenced in the Supreme Court of the State of New York, County of Bronx by plaintiff's counsel, on or about November 23, 2007, under Index No: 303037/07, pursuant to CPLR Section 304 and is now pending in that Court, upon information and belief, annexed hereto as Exhibit "A".
- C. The above-mentioned action is a Supreme Court action for personal injuries allegedly sustained in a motor vehicle accident.
- D. The action is one of which the United States District Courts are given original jurisdiction under 28 U.S.C. §1332(a) by reason of the diversity of citizenship of the parties.
- E. The amount of controversy in the action, exclusive of interest and costs, exceeds \$75,000.00.

F. Thirty (30) days have not yet expired since the action thereby became removable to this Court.

G. At the time of the commencement of this action and upon information and belief, plaintiff was and is a citizen and resident of the State of New Jersey. His address, according to the police report is 47 Alan Terrace, Jersey City, New Jersey, 07306. (Exhibit "B"), pursuant to Local Rule 81.1.

H. Copies of all pleadings, process and orders served on petitioner in this action are attached and marked as Exhibit "C".

I. The summons and complaint was first received by the removing defendants, upon information and belief, YURIY A. DRON, LARISA MAGALYUR and FAST TRACK, LLC, on or about December 14, 2007.


J. This petition is timely within the meaning of 28 U.S.C. 1446(b).

K. That promptly after filing this petition of removal the defendant's shall give written notice of the removal to the plaintiff through his attorney of record in the State action.

That this petition of removal is signed pursuant to Rule 11 of the Federal Rules of Civil Procedure.

WHEREFORE, these defendants' request that the above-entitled action be removed from the Supreme Court of the State of New York, County of Bronx, to the United States District Court for the Southern District of New York.

Dated: New York, New York
January 10, 2008



BY : FREDERICK D. SCHMIDT, JR. (FDS 8821)
LAW OFFICE OF JOHN P. HUMPHREYS
Attorneys for Defendants
YURIY A. DRON, LARISA MAGALYUR
and FAST TRACK, LLC
485 Lexington Avenue, 7th Floor
New York, New York 10017
(917) 778-6600

TO:

OMRANI & TAUB, P.C.
Attorneys for Plaintiff
535 Fifth Avenue, 3rd Floor
New York, New York 10017
(212) 599-5550

Exhibit A

AFFIDAVIT OF SERVICE

Page 1 of 2

28 - OMRANI & TAUB, P.C.

Back to Client Services Home

Click here to view a printer friendly version of this Affidavit.
(Use your browser's "Back" button to return to Previous Page.)

PROCESS

UNITED
SERVICE**Important: This is not an official document and is for reference only.**

To receive a signed and notarized copy of this affidavit, please e-mail us or call our office at 212-619-0728.

SUPREME COURT OF THE STATE OF NEW YORK

Atty: OMRANI & TAUB, P.C.

COUNTY OF BRONX

Index #: 303037/07
Purchased: November 23, 2007

PERVAIZ QURESHI

Plaintiff(s)

- against -

YURIY A. DRON, ETAL

Defendant(s)

AFFIDAVIT OF SERVICE

STATE OF NEW YORK: COUNTY OF NEW YORK ss:

ANDERSON CHAN BEING DULY SWORN DEPOSES AND SAYS DEPONENT IS NOT A PARTY TO
THIS ACTION, OVER THE AGE OF EIGHTEEN YEARS AND RESIDES IN THE STATE OF NEW YORK.That on December 14, 2007 at 01:00 PM at SECRETARY OF STATE, 123 WILLIAM STREET, 19TH
FLOOR, NEW YORK, NY 10038, deponent served the within SUMMONS & VERIFIED COMPLAINT on
YURIY A. DRON therein named,SECRETARY By service upon the N.Y.S. Secretary of State under Section 253 of the Vehicle and Traffic Law
STATE by delivering to L. POWELL, LEGAL CLERK, AUTHORIZED to accept thereof, and tendering
the required fee of \$10.00.MAILING Deponent enclosed a copy of same in a postpaid wrapper properly addressed to defendant at
defendant's last known residence at 12330 SE BUSH STREET, APT 45, PORTLAND, OR
97236, and deposited said wrapper in a post office or official depository under exclusive care and
custody of the United States Postal Service within New York State on December 20, 2007 by
CERTIFIED MAIL-RETURN RECEIPT REQUESTED, RECEIPT # 0000 9687 3986 in an
envelope marked PERSONAL & CONFIDENTIAL

Deponent further states that he describes the person actually served as follows:

Sex	Skin Color	Hair Color	Age (Approx.)	Height (Approx.)	Weight (Approx.)
FEMALE	BROWN	BROWN	35	5' 9"	130

That at the time of such service deponent knew the person so served as aforesaid to be the same
person mentioned and described as the defendant in this action.

Sworn to me on: December 20, 2007

JEL GRABER
Notary Public, State of New York
No. 02GR4699723
Qualified in New York CountyJOSEPH KNIGHT
Notary Public, State of New York
No. 01KN6178241
Qualified in New York CountyJONATHAN GRABER
Notary Public, State of New York
No. 01GR6156780
Qualified in New York CountyANDERSON CHAN
License #: 1220482

Exhibit B

08/09/2006 22:45 9736221903

FREDRICK R SCHREC

PAGE 03

Page 1 of 1 Pages

New York State Department of Motor Vehicles
POI E ACCIDENT REPORT (NYC)
 MV-104AH (5/04)

Accident No. **17766** Complaint Number **043** ☐ AMENDED REPORT

Accident Date: Month **8** Day **2** Year **06** Day of Week **WED** Military/Time **1615** No. of Vehicles **2** No. Injured **1** No. Killed **0** Not Investigated at Scene ☐ Left Scene ☐ Police Photos ☐ Reconstructed ☐ Yes ☒ No

VEHICLE 1
 License ID Number **6471245** State of Lic. **OREGON**
 Driver Name - exactly as printed on license **DROWN, YURLY, A**
 Address (Include Number & Street) **12330 SE BUSH ST** Apt. No. **45**
 City or Town **PORTLAND** State **OREGON** Zip Code **97236**
 Date of Birth **7/29/67** Sex **M** Unlicensed ☐ No. of Occupants **0** Public Property Damaged ☐
 Name - exactly as printed on registration **MAGALYUN, LARUA** Box ☐ Date of Birth **7/29/67** Sex **M** Unlicensed ☐ No. of Occupants **0** Public Property Damaged ☐
 Address (Include Number & Street) **PO BOX 321788** Apt. No. **45** Haz. Mat. Code ☐ Released ☐
 City or Town **VANCOUVER** State **WA** Zip Code **98682**
 Plate Number **YAFD 126** State of Reg. **OREGON** Vehicle Year & Make **2005 VOLVO** Vehicle Type **TR** Ins. Code **NYL J2C**
 Ticket/Arrest Number(s) **NYL J2C** State of Reg. **NY** Vehicle Year & Make **96 TOYOTA** Vehicle Type **PA3** Ins. Code **810**

VEHICLE 2 ☐ BICYCLIST ☐ PEDESTRIAN ☐ OTHER PEDESTRIAN
 License ID Number **Q93581250006552** State of Lic. **NJ**
 Driver Name - exactly as printed on license **PERVAIZ QURESHI**
 Address (Include Number & Street) **47 ALAN TERRACE** Apt. No. **47**
 City or Town **JERSEY CITY** State **NJ** Zip Code **07306**
 Date of Birth **6/28/52** Sex **M** Unlicensed ☐ No. of Occupants **0** Public Property Damaged ☐
 Name - exactly as printed on registration **PERVAIZ Q. QURESHI** Box ☐ Date of Birth **6/28/52** Sex **M** Unlicensed ☐ No. of Occupants **0** Public Property Damaged ☐
 Address (Include Number & Street) **47 ALAN TERRACE** Apt. No. **47** Haz. Mat. Code ☐ Released ☐
 City or Town **JERSEY CITY** State **NJ** Zip Code **07306**

Check if involved vehicle is:
☐ more than 95 inches wide;
☐ more than 34 feet long;
☐ operated with an overweight permit;
☐ operated with an overdimension permit.

VEHICLE 1 DAMAGE CODES
 Box 1 - Point of Impact **3**
 Box 2 - Most Damage **4**
 Enter up to three more Damage Codes **3 4 5**

VEHICLE 2 DAMAGE CODES
 Box 1 - Point of Impact **9**
 Box 2 - Most Damage **10**
 Enter up to three more Damage Codes **3 4 5**

Circle the diagram below that describes the accident, or draw your own diagram in space #9. Number the vehicles.

1. Rear End 2. Left Turn 3. Right Angle 4. Right Turn 5. Head On 6. Left Turn 7. Right Turn 8. Sideswipe (same direction) 9. Sideswipe (opposite direction)

ACCIDENT DIAGRAM

Cost of repairs to any one vehicle will be more than \$1000.
☒ Unknown/Unable to Determine ☐ Yes ☐ No

Reference Marker **0152** Coordinates (if available) Latitude/Northing: Longitude/Easting: **8044**

Place Where Accident Occurred: ☒ BRONX ☐ KINGS ☐ NEW YORK ☐ QUEENS ☐ RICHMOND
 Road on which accident occurred **W 200th St** (Route Number or Street Name)
 at 1) intersecting street **BLACK AVE** (Route Number or Street Name)
 or 2) **at 1) intersecting street** (Route Number or Street Name)
 East Miles **0.15** West Miles **0.15** (Milepost, Nearest Intersecting Route Number or Street Name)

Accident Description/Officer's Notes
AT 11:10 PM, DRIVER OF VEHICLE #1 STATES VEHICLE #2 DROVE IN SHOULDER, MERGED INTO VEHICLE #1, DRIVER OF VEHICLE #2 COMPLAINED OF BACK INJURY.

ALL INVOLVED

	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30
A	1	1	4	1	7	13	6	13	6	13	6	13	6	13	6	13	6	13	6	13	6	13	6
B	2	1	4	1	7	13	6	13	6	13	6	13	6	13	6	13	6	13	6	13	6	13	6
C																							
D																							
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Y																							
Z																							

Officer's Rank and Signature **PO [Signature]** Tax ID No. **936378** NYS ID No. **03030** Precinct **043** Date of Review **8/9/06**
 Print Name, In Full **P. CONNOLLY**

08/09/2006 22:45 9736221 003

FREDRICK R SCHREC

PAGE 04

PERSONS KILLED OR INJURED IN AL NT (Letter designation of persons killed or injured must correspond with letter designation on front).

A Last Name		First	M.I.	D Last Name		First	M.I.
PERVAIZ Q. QURESHI							
Address				Address			
47 ALAN JENNALS JENNY CITY NJ 07102							
Date of Birth		Telephone (Area Code)		Date of Birth		Telephone (Area Code)	
Month	Day	Year	()	Month	Day	Year	()
6	20	52					
B Last Name		First	M.I.	E Last Name		First	M.I.
Address				Address			
Date of Birth		Telephone (Area Code)		Date of Birth		Telephone (Area Code)	
Month	Day	Year	()	Month	Day	Year	()
C Last Name		First	M.I.	Highway Dist. at Scene? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
				Name:			
Address							
				Shield No.			
Date of Birth		Telephone (Area Code)					
Month	Day	Year	()				

ENTER INSURANCE POLICY NUMBER FROM INSURANCE IDENTIFICATION CARD, EXPIRATION DATE (IN ALL CASES), AND VIN.

Vehicle No. 1 NORTHLAND INSURANCE # TN 510938 Vehicle No. 2 NSA 8131020
 Expiration Date 7/29/08 Expiration Date 9/8/06
 VIN 4V4NC9P595N389659 VIN 2T1B302E4TC167032

WITNESS (Attach separate sheet, if necessary)

Name	Address	Phone

DUPLICATE COPY REQUIRED FOR:

- | | | | |
|---|--|---|---|
| <input type="checkbox"/> Dept. of Motor Vehicles
(if anyone is killed/injured) | <input type="checkbox"/> Motor Transport Division
(P.D. vehicle involved) | <input type="checkbox"/> NYC Taxi & Limousine Comm.
(if a Licensed taxi or limousine involved) | <input type="checkbox"/> Other City Agency
(Specify) |
| <input type="checkbox"/> Office of Comptroller
(if a City vehicle involved) | <input type="checkbox"/> Personnel Safety Unit
(if a P.D. vehicle involved) | <input type="checkbox"/> Highway Unit | |

NOTIFICATIONS: (Enter name, address, and relationship of friend or relative notified. If aided person is unidentified, list Missing Person Squad member who was notified. In either case, give date and time of notification.)

PROPERTY DAMAGED (other than vehicles)**OWNER OF PROPERTY (include city agency, where applicable)****IF NYPD VEHICLE IS INVOLVED:**

Police Vehicle—Operator's First Name		Last Name		Rank	Shield No.	Tax ID. No.	Command
Make of Vehicle	Year	Type of Vehicle	Plate No.	Dept. Vehicle No.		Assigned To What Command	
Equipment In Use At Time of Accident							
<input type="checkbox"/> Siren <input type="checkbox"/> Horn <input type="checkbox"/> Turn Light <input type="checkbox"/> 4-Way Flasher <input type="checkbox"/> High-Level Warning Lights <input type="checkbox"/> Traffic Cones <input type="checkbox"/> Headlights							

ACTIONS OF POLICE VEHICLE

- | | |
|--|---|
| <input type="checkbox"/> Responding to Code Signal | <input type="checkbox"/> Complying with Station House Directive |
| <input type="checkbox"/> Pursuing Violator | <input type="checkbox"/> Routine Patrol |
| <input type="checkbox"/> Other (Describe) | |

NY 10001

— : 474—

08/30/2006 00:20 9736221903

FREDRICK R SCHRECK

PAGE 02

Fredrick R. Schreck

ATTORNEY AT LAW

575 DR. MARTIN LUTHER KING JR. BLVD.
NEWARK, NEW JERSEY 07102

ALSO ADMITTED TO NEW YORK
AND FLORIDA BARS

TEL (973) 622-5531
FAX (973) 622-1903

August 29, 2006

VIA FACSIMILE: 866-683-7257

Northland Insurance Company
P.O. Box 64816
Mail Code 103N
St. Paul, MN. 55164-0816

Attention: Nancy Nolan

Re: My Client: Pervaiz Qureshi
Your Insured: Larisa Magalyur
Your Claim No.: TN5109938
D/A: 08/02/06

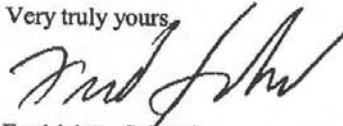
Dear Ms. Nolan:

Enclosed please find amended police report with regards to the above-referenced matter.

Apparently the police officer did not ask Mr. Qureshi his version of the accident initially and hence, the need for the amended report.

Mr. Qureshi's version seems to comport with the pictures of his vehicle.

Very truly yours,



Fredrick R. Schreck

FRS/cdj
Enclosure

LAW OFFICE OF THOMAS K. MOORE
RECEIVED

AUG 29 2006

Exhibit C

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX

-----X
PERVAIZ QURESHI

Plaintiff,

-against-

YURIY A. DRON,
LARISA MAGALYUR and
FAST TRACK, LLC

Defendant(s).

INDEX NO.: 303037/07

DATE FILED: 11/23/07

Plaintiff designates Bronx
County as the place of trial

SUMMONS

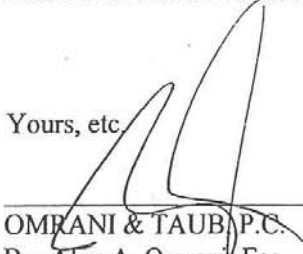
The basis of venue:
CPLR Section 503 (a)

Site of Accident:
Cross Bronx Expressway
Bronx, New York

-----X
YOU ARE HEREBY SUMMONED to answer the Complaint in this action and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance on the Plaintiff's attorney within 20 days after the service of this summons, exclusive of the day of service (or within 30 days after service is complete if this summons is not personally delivered to you within the State of New York), and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

Dated: New York, New York
November 16, 2007

Yours, etc


OMRANI & TAUB, P.C.
By: Alex A. Omrani, Esq.
Attorney(s) for Plaintiff
535 Fifth Avenue - 23rd Floor
New York, New York 10017
(212) 599-5550

Defendants' Address:

YURIY A. DRON
12330 SE Bush Street, Apt #45
Portland, OR 97236

LARISA MAGALYUR
P.O. Box 821788
Vancouver, WA 98682
<Via Secretary of State>

FAST TRACK, LLC
<Via Secretary of State>

PROMPTLY FORWARD THIS DOCUMENT TO YOUR INSURANCE COMPANY
Northland Ins. Co., 1 Tower Square Hartford, CT 06183.Claim #: TN510938

2007 NOV 23 AM 10:33
COUNTY CLERK
BRONX
RECEIVED

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX

-----X
PERVAIZ QURESHI

Plaintiff,

-against-

YURIY A. DRON,
LARISA MAGALYUR and
FAST TRACK, LLC

Defendant(s).
-----X

Index No.: 303037/07

VERIFIED COMPLAINT

Plaintiff, by and through his attorneys, OMRANI & TAUB, P.C., complaining of the defendants herein, respectfully alleges, upon information and belief, as follows:

DIB
1. That at all times relevant herein, the defendant, YURIY A. DRON, was the owner of a certain motor vehicle bearing Oregon State license plate registration number YAFD176 for the year 2006.

DK1
2. That at all times relevant herein, the defendant, YURIY A. DRON, was the operator of the aforesaid motor vehicle bearing Oregon State license plate registration number YAFD176.

DK1
3. That at all times relevant herein, the defendant, YURIY A. DRON, was the operator of the aforesaid motor vehicle bearing Oregon State license plate number YAFD176 with the permission and consent, expressed or implied, of the owner of said vehicle.

DK1
4. That at all times relevant herein, the defendant, YURIY A. DRON, was the operator of the aforesaid motor vehicle bearing Oregon State license plate number YAFD176 within the scope and course of his employment.

DK1
5. That at all times relevant herein, the defendant, YURIY A. DRON, was the operator of the aforesaid motor vehicle bearing New York State license plate number LW4602 within the scope and course of his employment for the defendant, FAST TRACK, LLC.

DIB 6. That at all times relevant herein, the defendant, YURIY A. DRON, maintained the aforesaid motor vehicle bearing Oregon State license plate registration number YAFD176.

DIB 7. That at all times relevant herein, the defendant, YURIY A. DRON, managed and controlled the aforesaid motor vehicle bearing Oregon State license plate registration number YAFD176.

DKI 8. That at all times relevant herein, the defendant, LARISA MAGALYUR, was the owner of the aforesaid motor vehicle bearing Oregon State license plate registration number YAFD176 for the year 2006.

DIB 9. That at all times relevant herein, the defendant, LARISA MAGALYUR, was the operator of the aforesaid motor vehicle bearing Oregon State license plate registration number YAFD176.

DKI 10. That at all times relevant herein, the defendant, LARISA MAGALYUR, maintained the aforesaid motor vehicle bearing Oregon State license plate registration number YAFD176.

DKI 11. That at all times relevant herein, the defendant, LARISA MAGALYUR, managed and controlled the aforesaid motor vehicle bearing Oregon State license plate registration number YAFD176.

DKI 12. That at all times relevant herein, the defendant, FAST TRACK, LLC, was the owner of the aforesaid motor vehicle bearing Oregon State license plate registration number YAFD176 for the year 2006.

DKI 13. That at all times relevant herein, the defendant, FAST TRACK, LLC, was the operator of the aforesaid motor vehicle bearing Oregon State license plate registration number YAFD176.

DKI 14. That at all times relevant herein, the defendant, FAST TRACK, LLC, maintained the aforesaid motor vehicle bearing Oregon State license plate registration number YAFD176.

DK1 15. That at all times relevant herein, the defendant, FAST TRACK, LLC, managed and controlled the aforesaid motor vehicle bearing Oregon State license plate registration number YAFD176.

DK1 16. That on or about August 2, 2006 and at all times relevant herein, the plaintiff, PERVAIZ QURESHI, was the operator of a certain motor vehicle bearing New Jersey license plate registration number KRY37C for the year 2006.

A 17. That at all times relevant herein, the roadway commonly known and identified as Cross Bronx Expressway, at or near its intersection with Black Rock, in the County of Bronx, City and State of New York, was and still is a public thoroughfare

D1B 18. That on or about August 2, 2006 on, at or about the aforementioned roadway, the aforesaid motor vehicles bearing Oregon State license plate registration number YAFD176 came into contact with the aforesaid motor vehicle bearing New Jersey State license plate registration number KRY37C.

D1B 19. That by reason of said contact, the plaintiff, PERVAIZ QURESHI, was caused to be injured, and to sustain painful, permanent, and disabling personal injuries requiring medical care and treatment.

D1B 20. That said contact and the resulting injuries were caused by reason of the carelessness, recklessness and negligence of the defendants herein, and without any negligence on the part of the plaintiff contributing thereto.

D1B 21. That as a result of the foregoing, the plaintiff, PERVAIZ QURESHI, sustained a Serious Injury as defined by Section 5102 of the Insurance Law of the State of New York.

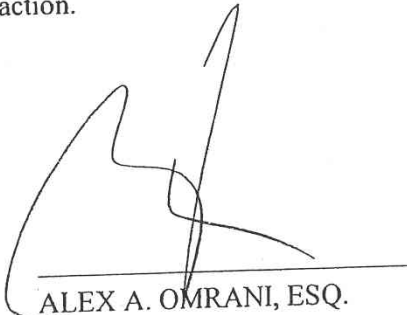
D1B 22. That as a result of the foregoing, the plaintiff, PERVAIZ QURESHI, sustained a loss greater than Basic Economic Loss as defined in Section 5102 of the Insurance Law of the State of New York.

DIB 23. That this action falls within one or more of the exceptions set forth in CPLR section 1602, including but not necessarily limited to §1602(6). Plaintiff defers all issues of law to the Court for resolution at the time of trial.

DIB 24. That by reason thereof, the plaintiff, PERVAIZ QURESHI, has been damaged in a substantial sum of money to be determined by the court and/or a jury, in excess of the jurisdictional limits of all lower courts which might have jurisdiction over the action.

WHEREFORE, the plaintiff, PERVAIZ QURESHI demands judgment of the defendants, joint and severally, for an amount to be determined by the court and/or a jury, together with the costs and disbursements of this action.

Dated: New York, New York
November 16, 2007



ALEX A. OMRANI, ESQ.

STATE OF NEW YORK)
) ss.:
COUNTY OF NEW YORK)

ALEX A. OMRANI, ESQ., being duly sworn, affirms and says that:

He is an attorney duly admitted to practice law in the State of New York and is a member of the firm of OMRANI & TAUB, P.C. in the within action; that he has read the foregoing **Summons and Verified Complaint** and knows the contents thereof, that the same is true to the best of his own knowledge, except as to the matters therein stated to be alleged on information and belief, and that as to those matters he believes them to be true.

The reason this verification is not made by the plaintiff is that plaintiff resides and is located outside the county wherein the undersigned maintains his office.

The source of affirmant's information and the grounds for his belief, as to those matters stated upon information and belief, are statements furnished to deponent by plaintiff, personal investigation of this matter and from records maintained in affirmant's office file.

I affirm the foregoing statements to be true under the penalties of perjury.

Dated: New York, New York
November 16, 2007



ALEX A. OMRANI, ESQ.

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX

-----X
PERVAIZ QURESHI,

Plaintiff,

DEMAND FOR
DAMAGES

-against-

Index No.: 303037/07

YURIY A. DRON, LARISA MAGALYUR and
FAST TRACK, LLC,

Defendants,
-----X

COUNSELORS:

Pursuant to CPLR §3017(c) within fifteen (15) days from the date of service of this request, you are hereby required to set forth the total damages to which plaintiff(s) deems himself/herself entitled to list same separately for each cause of action.

Dated: New York, New York
January 4, 2008

Law Office of John P. Humphreys
By: Robert J. Giard, Esq.
Attorneys for Defendants
YURIY A. DRON, LARISA MAGALYUR
and FAST TRACK, LLC
485 Lexington Avenue / 7th Floor
New York, New York 10017
Telephone No.: (917) 778-6600

TO:
OMRANI & TAUB, P.C.
Attorneys for Plaintiff
535 Fifth Avenue / 23rd Floor
New York, New York 10017
(212) 599-5550

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX

-----X
PERVAIZ QURESHI,

Plaintiff,

- against -

VERIFIED
ANSWER WITH
COUNTER-CLAIM

Index No.: 303037/07

YURIY A. DRON, LARISA MAGALYUR and
FAST TRACK, LLC,

Defendants,
-----X

The Law Office of JOHN P. HUMPHREYS, as attorney and on behalf of defendants, YURIY A. DRON, LARISA MAGALYUR and FAST TRACK, LLC, answering the Complaint of plaintiff herein, upon information and belief, respectfully alleges:

AS AND FOR AN ANSWER ON BEHALF OF DEFENDANTS,
YURIY A. DRON, LARISA MAGALYUR AND FAST TRACK, LLC

1. Upon information and belief denies each and every allegation contained in the paragraph of the Complaint designated "1", "6", "7", "9", "18", "19", "20", "21", "22", "23" AND "24".
2. Denies any knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraphs of the Complaint designated "2", "3", "4", "5", "8", "10", "11", "12", "13", "14", "15" AND "16".

AS AND FOR A FIRST AFFIRMATIVE DEFENSE

3. These parties' responsibility for non-economic loss, if any, which is expressly denied herein, is less than 50% of any responsibility attributed to any tortfeasor, whether or not a party hereto, who is or may be responsible for the happening of plaintiff's alleged accident

and, thus, these parties are entitled to a limitation of damages as set forth in CPLR Article 16.

AS AND FOR A SECOND AFFIRMATIVE DEFENSE

4. The injuries and damages allegedly sustained by plaintiff were caused in whole or in part by the culpable conduct of plaintiff, including negligence and assumption of risk, as a result of which the claim of plaintiff is therefore barred or diminished in the proportion that such culpable conduct of plaintiff bears to the total culpable conduct causing the alleged injuries and damages.

AS AND FOR A THIRD AFFIRMATIVE DEFENSE

5. That if it is determined that plaintiff failed to use available seatbelts, defendant hereby plead such fact in mitigation of damages.

AS AND FOR A FOURTH AFFIRMATIVE DEFENSE

6. That this action is barred by reason of the fact that plaintiff did not sustained a "serious injury" as defined in Section 5102 of the Insurance Law and, thus, has no right of recovery under Sec. 5104 of the Insurance Law.

**AS AND FOR A COUNTERCLAIM FOR COMMON LAW NEGLIGENCE
AGAINST PLAINTIFF THESE DEFENDANTS ALLEGE THE FOLLOWING:**

7. That if plaintiff was caused to sustain injuries and/or damages at the time and place set forth in the Complaint through any carelessness, recklessness and/or negligence other than the plaintiff's own, such damages were sustained in whole or in part by any reason of the carelessness, recklessness and negligence and/or negligent acts of omission or commission of plaintiff.

Further, if plaintiff should recover judgment against these answering defendants, the plaintiff shall be liable to these defendants on the basis of apportionment of responsibility

08 CV 00246
08 CV 00246
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

PERVAIZ QURESHI,

Plaintiff, **PETITION FOR REMOVAL**

-against-

YURIY A. DRON, LARISA MAGALYUR
and FAST TRACK, LLC,

Defendant.

TO THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
NEW YORK, FOLEY SQUARE:

Defendant, YURIY A. DRON, LARISA MAGALYUR and FAST TRACK, LLC,
files this Notice for Removal under 28 U.S.C. §§ 1141, 1446 and Federal Rules of Civil
Procedure, Rule 81 (c) and Local Rule 81.1 and respectfully shows the Court:

- A. These defendants are requesting removal to the above Court in the above-entitled action.
- B. The above-entitled action was commenced in the Supreme Court of the State of New York, County of Bronx by plaintiff's counsel, on or about November 23, 2007, under Index No: 303037/07, pursuant to CPLR Section 304 and is now pending in that Court, upon information and belief, annexed hereto as Exhibit "A".
- C. The above-mentioned action is a Supreme Court action for personal injuries allegedly sustained in a motor vehicle accident.
- D. The action is one of which the United States District Courts are given original jurisdiction under 28 U.S.C. §1332(a) by reason of the diversity of citizenship of the parties.
- E. The amount of controversy in the action, exclusive of interest and costs, exceeds \$75,000.00.

F. Thirty (30) days have not yet expired since the action thereby became removable to this Court.

G. At the time of the commencement of this action and upon information and belief, plaintiff was and is a citizen and resident of the State of New Jersey. His address, according to the police report is 47 Alan Terrace, Jersey City, New Jersey, 07306. (Exhibit "B"), pursuant to Local Rule 81.1.

H. Copies of all pleadings, process and orders served on petitioner in this action are attached and marked as Exhibit "C".

I. The summons and complaint was first received by the removing defendants, upon information and belief, YURIY A. DRON, LARISA MAGALYUR and FAST TRACK, LLC, on or about December 14, 2007.


J. This petition is timely within the meaning of 28 U.S.C. 1446(b).

K. That promptly after filing this petition of removal the defendant's shall give written notice of the removal to the plaintiff through his attorney of record in the State action.

That this petition of removal is signed pursuant to Rule 11 of the Federal Rules of Civil Procedure.

WHEREFORE, these defendants' request that the above-entitled action be removed from the Supreme Court of the State of New York, County of Bronx, to the United States District Court for the Southern District of New York.

Dated: New York, New York
January 10, 2008



BY : FREDERICK D. SCHMIDT, JR. (FDS 8821)
LAW OFFICE OF JOHN P. HUMPHREYS
Attorneys for Defendants
YURIY A. DRON, LARISA MAGALYUR
and FAST TRACK, LLC
485 Lexington Avenue, 7th Floor
New York, New York 10017
(917) 778-6600

TO:

OMRANI & TAUB, P.C.
Attorneys for Plaintiff
535 Fifth Avenue, 3rd Floor
New York, New York 10017
(212) 599-5550

Exhibit A

AFFIDAVIT OF SERVICE

Page 1 of 2

28 - OMRANI & TAUB, P.C.

Back to Client Services Home

Click here to view a printer friendly version of this Affidavit.
(Use your browser's "Back" button to return to Previous Page.)

PROCESS

UNITED
SERVICE**Important: This is not an official document and is for reference only.**

To receive a signed and notarized copy of this affidavit, please e-mail us or call our office at 212-619-0728.

SUPREME COURT OF THE STATE OF NEW YORK

Atty: OMRANI & TAUB, P.C.

COUNTY OF BRONX

Index #: 303037/07

Purchased: November 23, 2007

PERVAIZ QURESHI

Plaintiff(s)

- against -

YURIY A. DRON, ETAL

Defendant(s)

AFFIDAVIT OF SERVICE

STATE OF NEW YORK: COUNTY OF NEW YORK ss:

ANDERSON CHAN BEING DULY SWORN DEPOSES AND SAYS DEPONENT IS NOT A PARTY TO
THIS ACTION, OVER THE AGE OF EIGHTEEN YEARS AND RESIDES IN THE STATE OF NEW YORK.That on December 14, 2007 at 01:00 PM at SECRETARY OF STATE, 123 WILLIAM STREET, 19TH
FLOOR, NEW YORK, NY 10038, deponent served the within SUMMONS & VERIFIED COMPLAINT on
YURIY A. DRON therein named,SECRETARY By service upon the N.Y.S. Secretary of State under Section 253 of the Vehicle and Traffic Law
STATE by delivering to L. POWELL, LEGAL CLERK, AUTHORIZED to accept thereof, and tendering
the required fee of \$10.00.

MAILING

Deponent enclosed a copy of same in a postpaid wrapper properly addressed to defendant at
defendant's last known residence at 12330 SE BUSH STREET, APT 45, PORTLAND, OR
97236, and deposited said wrapper in a post office or official depository under exclusive care and
custody of the United States Postal Service within New York State on December 20, 2007 by
CERTIFIED MAIL-RETURN RECEIPT REQUESTED, RECEIPT # 0000 9687 3986 in an
envelope marked PERSONAL & CONFIDENTIAL

Deponent further states that he describes the person actually served as follows:

Sex	Skin Color	Hair Color	Age (Approx.)	Height (Approx.)	Weight (Approx.)
FEMALE	BROWN	BROWN	35	5' 9"	130

That at the time of such service deponent knew the person so served as aforesaid to be the same
person mentioned and described as the defendant in this action.

Sworn to me on: December 20, 2007

JEL GRABER
Notary Public, State of New York
No. 02GR4699723
Qualified in New York CountyJOSEPH KNIGHT
Notary Public, State of New York
No. 01KN6178241
Qualified in New York CountyJONATHAN GRABER
Notary Public, State of New York
No. 01GR6156780
Qualified in New York CountyANDERSON CHAN
License #: 1220482

Exhibit B

08/09/2006 22:45 9736221903

FREDRICK R SCHREC

PAGE 03

Page 1 of 1 Pages

New York State Department of Motor Vehicles
POI E ACCIDENT REPORT (NYC)
 MV-104AH (5/04)

Accident No. **17766** Complaint Number **043** ☐ AMENDED REPORT

Accident Date: Month **8** Day **2** Year **06** Day of Week **WED** Military/Time **1615** No. of Vehicles **2** No. Injured **1** No. Killed **0** Not Investigated at Scene ☐ Left Scene ☐ Police Photos ☐ Reconstructed ☐ Yes ☒ No

VEHICLE 1
 License ID Number **6471245** State of Lj. **OREGON**
 Driver Name - exactly as printed on license **DROWN, YURLY, A**
 Address (Include Number & Street) **12330 SE BUSH ST** Apt. No. **45**
 City or Town **PORTLAND** State **OREGON** Zip Code **97236**
 Date of Birth **7/29/67** Sex **M** Unlicensed ☐ No. of Occupants **0** Public Property Damaged ☐
 Name - exactly as printed on registration **MAGALYUN, LARUA** Box ☐ Date of Birth **7/29/67** Sex **M** Unlicensed ☐ No. of Occupants **0** Public Property Damaged ☐
 Address (Include Number & Street) **PO BOX 321788** Apt. No. **45** Haz. Mat. Code ☐ Released ☐
 City or Town **VANCOUVER** State **WA** Zip Code **98682**
 Plate Number **YAFD 126** State of Reg. **OREGON** Vehicle Year & Make **2005 VOLVO** Vehicle Type **TR** Ins. Code **TR**
 Ticket/Arrest Number(s) **YAFD 126** State of Reg. **OREGON** Vehicle Year & Make **2005 VOLVO** Vehicle Type **TR** Ins. Code **TR**
 Violation Section(s) **1**

VEHICLE 2
 License ID Number **Q93581250006552** State of Lj. **NJ**
 Driver Name - exactly as printed on license **PERVAIZ QURESHI**
 Address (Include Number & Street) **47 ALAN TERRACE** Apt. No. **45**
 City or Town **JERSEY CITY** State **NJ** Zip Code **07306**
 Date of Birth **6/28/52** Sex **M** Unlicensed ☐ No. of Occupants **0** Public Property Damaged ☐
 Name - exactly as printed on registration **PERVAIZ Q. QURESHI** Box ☐ Date of Birth **6/28/52** Sex **M** Unlicensed ☐ No. of Occupants **0** Public Property Damaged ☐
 Address (Include Number & Street) **47 ALAN TERRACE** Apt. No. **45** Haz. Mat. Code ☐ Released ☐
 City or Town **JERSEY CITY** State **NJ** Zip Code **07306**
 Plate Number **KRY 12C** State of Reg. **NJ** Vehicle Year & Make **96 TOYOTA** Vehicle Type **PA3** Ins. Code **810**
 Ticket/Arrest Number(s) **KRY 12C** State of Reg. **NJ** Vehicle Year & Make **96 TOYOTA** Vehicle Type **PA3** Ins. Code **810**
 Violation Section(s) **1**

Check if involved vehicle is:
☐ more than 95 inches wide;
☐ more than 34 feet long;
☐ operated with an overweight permit;
☐ operated with an overdimension permit.

VEHICLE 1 DAMAGE CODES
 Box 1 - Point of Impact **3**
 Box 2 - Most Damage **4**
 Enter up to three more Damage Codes **3 4 5**

VEHICLE 2 DAMAGE CODES
 Box 1 - Point of Impact **9**
 Box 2 - Most Damage **10**
 Enter up to three more Damage Codes **3 4 5**

Circle the diagram below that describes the accident, or draw your own diagram in space #9. Number the vehicles.

1. Rear End 2. Left Turn 3. Right Angle 4. Right Turn 5. Head On 6. Left Turn 7. Right Turn 8. Sideswipe (opposite direction) 9. Sideswipe (same direction)

Cost of repairs to any one vehicle will be more than \$1000.
☒ Unknown/Unable to Determine ☐ Yes ☐ No

Reference Marker **0152** Coordinates (if available) Latitude/Northing: Longitude/Easting: **8044**

Place Where Accident Occurred: ☒ BRONX ☐ KINGS ☐ NEW YORK ☐ QUEENS ☐ RICHMOND
 Road on which accident occurred **W 200th STREET** (Route Number or Street Name)
 at 1) intersecting street **BLACK AORN** (Route Number or Street Name)
 or 2) **0152** East Miles **0152** of **0152** (Milepost, Nearest Intersecting Route Number or Street Name)

Accident Description/Officer's Notes
AT 11:10 PM DRIVEN OF VEHICLE #1 STATES VEHICLE #2 DROVE IN SHOULDER Merged INTO VEHICLE #1. DRIVER OF VEHICLE #2 COMPLAINED OF BACK INJURY.

ALL INVOLVED

BY	TO	Names of all involved	Date of Death Only
1	4	DROWN YURLY A	
2	6	JACOBE PERVAIZ QURESHI	

Officer's Rank and Signature **PO CONNOLLY** Tax ID No. **93678** NCRG No. **03030** Precinct **043** Post Office **5** Reviewing Officer **5** Date Time Reviewed **8/9/06**

08/09/2006 22:45 9736221 003

FREDRICK R SCHREC

PAGE 04

PERSONS KILLED OR INJURED IN AL NT (Letter designation of persons killed or injured must correspond with letter designation on front).

A Last Name		First	M.I.	D Last Name		First	M.I.
PERVAIZ Q. QURESHI							
Address				Address			
47 ALAN JENNALS JENNY CITY NJ 07102							
Date of Birth		Telephone (Area Code)		Date of Birth		Telephone (Area Code)	
Month	Day	Year	()	Month	Day	Year	()
6	20	52	()				
B Last Name		First	M.I.	E Last Name		First	M.I.
Address				Address			
Date of Birth		Telephone (Area Code)		Date of Birth		Telephone (Area Code)	
Month	Day	Year	()	Month	Day	Year	()
C Last Name		First	M.I.	Highway Dist. at Scene? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
				Name:			
Address							
				Shield No.			
Date of Birth		Telephone (Area Code)					
Month	Day	Year	()				

ENTER INSURANCE POLICY NUMBER FROM INSURANCE IDENTIFICATION CARD, EXPIRATION DATE (IN ALL CASES), AND VIN.

Vehicle No. 1 NORTHLAND INSURANCE # TN 510938 Vehicle No. 2 NSA 8131020
 Expiration Date 7/29/08 Expiration Date 9/8/06
 VIN 4V4NC9P595N389659 VIN 2T1B302E4TC167032

WITNESS (Attach separate sheet, if necessary)

Name	Address	Phone

DUPLICATE COPY REQUIRED FOR:

- | | | | |
|---|--|---|---|
| <input type="checkbox"/> Dept. of Motor Vehicles
(if anyone is killed/injured) | <input type="checkbox"/> Motor Transport Division
(P.D. vehicle involved) | <input type="checkbox"/> NYC Taxi & Limousine Comm.
(if a Licensed taxi or limousine involved) | <input type="checkbox"/> Other City Agency
(Specify) |
| <input type="checkbox"/> Office of Comptroller
(if a City vehicle involved) | <input type="checkbox"/> Personnel Safety Unit
(if a P.D. vehicle involved) | <input type="checkbox"/> Highway Unit | |

NOTIFICATIONS: (Enter name, address, and relationship of friend or relative notified. If aided person is unidentified, list Missing Person Squad member who was notified. In either case, give date and time of notification.)

PROPERTY DAMAGED (other than vehicles)**OWNER OF PROPERTY (include city agency, where applicable)****IF NYPD VEHICLE IS INVOLVED:**

Police Vehicle—Operator's First Name		Last Name		Rank	Shield No.	Tax ID. No.	Command
Make of Vehicle		Year	Type of Vehicle	Plate No.	Dept. Vehicle No.	Assigned To What Command	
Equipment In Use At Time of Accident							
<input type="checkbox"/> Siren <input type="checkbox"/> Horn <input type="checkbox"/> Turn Light <input type="checkbox"/> 4-Way Flasher <input type="checkbox"/> High-Level Warning Lights <input type="checkbox"/> Traffic Cones <input type="checkbox"/> Headlights							

ACTIONS OF POLICE VEHICLE

- | | |
|--|---|
| <input type="checkbox"/> Responding to Code Signal | <input type="checkbox"/> Complying with Station House Directive |
| <input type="checkbox"/> Pursuing Violator | <input type="checkbox"/> Routine Patrol |
| <input type="checkbox"/> Other (Describe) | |

NY 10001 (504)

08/30/2005 00:20 9736221 9

FREDRICK R SCHRE

PAGE 03

New York State Department of Motor Vehicles
POLICE ACCIDENT REPORT (NYC)
 MV-104AN (5/03)

AMENDED REPORT

Precinct: 042
 Accident No.: 1766
 Correction Number: _____

Accident Date: Month 8 Day 2 Year 06 Day of Week WED Military/Time 1615 No. of Vehicles 2 No. Injured 1 No. Killed 0 Not Investigated at Scene ☐ Left Scene ☐ Police Photo ☐ Reconstructed ☐ ☐ Yes ☒ No

VEHICLE 1
 License ID Number: 647 1243 State of Lic. OREGON
 Driver Name - exactly as printed on license: DON YUNIA, A
 Address (Include Number & Street): 1230 SE BUSH ST. Apt. No. 45
 City or Town: PORTLAND State: OREGON Zip Code: 97236
 Date of Birth: Month 5 Day 29 Year 68 Sex M Unlicensed ☐ No. of Occupants 0 Public Property Damaged ☐
 Name - exactly as printed on registration: MAGALY LARAIS Sex F Date of Birth: Month 6 Day 20 Year 53
 Address (Include Number & Street): PO BOX 821788 Apt. No. 47 ALAN TERRACE City or Town: NEW JERSEY CITY State: NJ Zip Code: 07306
 City or Town: VANCOUVER State: WA Zip Code: 98682
 Plate Number: YAFD176 State of Reg: OREGON Vehicle Year & Make: 2005 VOLVO Vehicle Type: TR Ins. Code: PA5
 Title/Interest: _____ Date of Reg: NY Vehicle Year & Make: 96 TOYOTA Vehicle Type: PAS Ins. Code: 810
 Violation Section(s): _____

VEHICLE 2
 License ID Number: Q93584250006552 State of Lic. NJ
 Driver Name - exactly as printed on license: PERVAZ QURESHI
 Address (Include Number & Street): 47 ALAN TERRACE Apt. No. 47 ALAN TERRACE City or Town: NEW JERSEY CITY State: NJ Zip Code: 07306
 Date of Birth: Month 6 Day 20 Year 53 Sex M Unlicensed ☐ No. of Occupants 0 Public Property Damaged ☐
 Name - exactly as printed on registration: PERVAZ Q. QURESHI Sex M Date of Birth: Month 6 Day 20 Year 53
 Address (Include Number & Street): 47 ALAN TERRACE Apt. No. 47 ALAN TERRACE City or Town: NEW JERSEY CITY State: NJ Zip Code: 07306
 City or Town: VANCOUVER State: WA Zip Code: 98682
 Plate Number: YAFD176 State of Reg: OREGON Vehicle Year & Make: 2005 VOLVO Vehicle Type: TR Ins. Code: PA5
 Title/Interest: _____ Date of Reg: NY Vehicle Year & Make: 96 TOYOTA Vehicle Type: PAS Ins. Code: 810
 Violation Section(s): _____

Check if involved vehicle is:
☐ more than 95 inches wide;
☐ more than 34 feet long;
☐ operated with an overweight permit;
☐ operated with an overdimension permit.

Check if involved vehicle is:
☐ more than 95 inches wide;
☐ more than 34 feet long;
☐ operated with an overweight permit;
☐ operated with an overdimension permit.

Circle the diagram below that describes the accident, or draw your own diagram in space and number the vehicles.

VEHICLE DAMAGE CODES:
 Box 1 - Point of Impact
 Box 2 - Most Damage
 Enter up to three more Damage Codes

VEHICLE DAMAGE CODING:
 1-13. SEE DIAGRAM ON RIGHT.
 14. UNDERCARRIAGE
 15. TRAILER
 16. OVERTURNED
 17. DEMOLISHED
 18. NO DAMAGE
 19. OTHER

Place Where Accident Occurred: DRAWN ☐ KINGS ☐ NEW YORK ☐ QUEENS ☐ RICHMOND
 Road on which accident occurred: 410 GRAY BROOKS EAT
 at 1) intersecting street: BLANK ROAD
 or 2) _____ (Mileage Number or Street Name)
 East: _____ West: _____

Accident Description/Officer's Notes:
AS TYPED DRIVER OF VEHICLE #1 STATES VEHICLE #2
DRIVING IN SHOULDER DROVE INTO VEHICLE #1. DRIVER OF VEHICLE
#2 STATES VEHICLE #1 TRAVELING BEHIND VEHICLE #2 REAR ENDED
BACK LEFT OF VEH. #2 AND SUBSEQUENTLY DRIVEN LEFT OF VEHICLE #2
ATTEMPTING TO CHANGE TO LEFT LANE.

Names of all involved: DON YUNIA PERVAZ QURESHI
 Date of Death Only: _____

Officer's Rank and Name: PO Connolly
 Tax ID No.: 936578 NCIC No.: 03030 I/Volunt: 043 Pursuit/Safety: 5
 Reviewing Officer: _____ Date/Time Reviewed: _____

May 08 2006 04:57PM PJ

FRX NO. :

FROM :

08/30/2006 00:20 9736221903

FREDRICK R SCHRECK

PAGE 02

Fredrick R. Schreck

ATTORNEY AT LAW

575 DR. MARTIN LUTHER KING JR. BLVD.
NEWARK, NEW JERSEY 07102

ALSO ADMITTED TO NEW YORK
AND FLORIDA BARS

TEL (973) 622-5531
FAX (973) 622-1903

August 29, 2006

VIA FACSIMILE: 866-683-7257

Northland Insurance Company
P.O. Box 64816
Mail Code 103N
St. Paul, MN. 55164-0816

Attention: Nancy Nolan

Re: My Client: Pervaiz Qureshi
Your Insured: Larisa Magalyur
Your Claim No.: TN5109938
D/A: 08/02/06

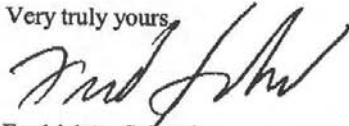
Dear Ms. Nolan:

Enclosed please find amended police report with regards to the above-referenced matter.

Apparently the police officer did not ask Mr. Qureshi his version of the accident initially and hence, the need for the amended report.

Mr. Qureshi's version seems to comport with the pictures of his vehicle.

Very truly yours,



Fredrick R. Schreck

FRS/cdj
Enclosure

LAW OFFICE OF THOMAS K. MOORE
RECEIVED
DEC 2 2007

Exhibit C

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX

-----X
PERVAIZ QURESHI

Plaintiff,

-against-

YURIY A. DRON,
LARISA MAGALYUR and
FAST TRACK, LLC

Defendant(s).

INDEX NO.: 303037/07

DATE FILED: 11/23/07

Plaintiff designates Bronx
County as the place of trial

SUMMONS

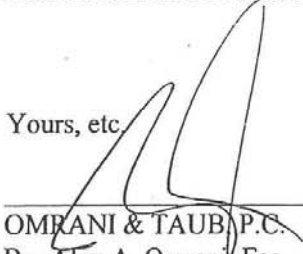
The basis of venue:
CPLR Section 503 (a)

Site of Accident:
Cross Bronx Expressway
Bronx, New York

-----X
YOU ARE HEREBY SUMMONED to answer the Complaint in this action and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance on the Plaintiff's attorney within 20 days after the service of this summons, exclusive of the day of service (or within 30 days after service is complete if this summons is not personally delivered to you within the State of New York), and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

Dated: New York, New York
November 16, 2007

Yours, etc


OMRANI & TAUB, P.C.
By: Alex A. Omrani, Esq.
Attorney(s) for Plaintiff
535 Fifth Avenue - 23rd Floor
New York, New York 10017
(212) 599-5550

Defendants' Address:

YURIY A. DRON
12330 SE Bush Street, Apt #45
Portland, OR 97236

LARISA MAGALYUR
P.O. Box 821788
Vancouver, WA 98682
<Via Secretary of State>

FAST TRACK, LLC
<Via Secretary of State>

PROMPTLY FORWARD THIS DOCUMENT TO YOUR INSURANCE COMPANY
Northland Ins. Co., 1 Tower Square Hartford, CT 06183.Claim #: TN510938

2007 NOV 23 AM 10:33
COUNTY CLERK
BRONX
RECEIVED

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX

-----X
PERVAIZ QURESHI

Plaintiff,

-against-

YURIY A. DRON,
LARISA MAGALYUR and
FAST TRACK, LLC

Defendant(s).
-----X

Index No.: 303037/07

VERIFIED COMPLAINT

Plaintiff, by and through his attorneys, OMRANI & TAUB, P.C., complaining of the defendants herein, respectfully alleges, upon information and belief, as follows:

DIB
1. That at all times relevant herein, the defendant, YURIY A. DRON, was the owner of a certain motor vehicle bearing Oregon State license plate registration number YAFD176 for the year 2006.

DK1
2. That at all times relevant herein, the defendant, YURIY A. DRON, was the operator of the aforesaid motor vehicle bearing Oregon State license plate registration number YAFD176.

DK1
3. That at all times relevant herein, the defendant, YURIY A. DRON, was the operator of the aforesaid motor vehicle bearing Oregon State license plate number YAFD176 with the permission and consent, expressed or implied, of the owner of said vehicle.

DK1
4. That at all times relevant herein, the defendant, YURIY A. DRON, was the operator of the aforesaid motor vehicle bearing Oregon State license plate number YAFD176 within the scope and course of his employment.

DK1
5. That at all times relevant herein, the defendant, YURIY A. DRON, was the operator of the aforesaid motor vehicle bearing New York State license plate number LW4602 within the scope and course of his employment for the defendant, FAST TRACK, LLC.

DIB 6. That at all times relevant herein, the defendant, YURIY A. DRON, maintained the aforesaid motor vehicle bearing Oregon State license plate registration number YAFD176.

DIB 7. That at all times relevant herein, the defendant, YURIY A. DRON, managed and controlled the aforesaid motor vehicle bearing Oregon State license plate registration number YAFD176.

DKI 8. That at all times relevant herein, the defendant, LARISA MAGALYUR, was the owner of the aforesaid motor vehicle bearing Oregon State license plate registration number YAFD176 for the year 2006.

DIB 9. That at all times relevant herein, the defendant, LARISA MAGALYUR, was the operator of the aforesaid motor vehicle bearing Oregon State license plate registration number YAFD176.

DKI 10. That at all times relevant herein, the defendant, LARISA MAGALYUR, maintained the aforesaid motor vehicle bearing Oregon State license plate registration number YAFD176.

DKI 11. That at all times relevant herein, the defendant, LARISA MAGALYUR, managed and controlled the aforesaid motor vehicle bearing Oregon State license plate registration number YAFD176.

DKI 12. That at all times relevant herein, the defendant, FAST TRACK, LLC, was the owner of the aforesaid motor vehicle bearing Oregon State license plate registration number YAFD176 for the year 2006.

DKI 13. That at all times relevant herein, the defendant, FAST TRACK, LLC, was the operator of the aforesaid motor vehicle bearing Oregon State license plate registration number YAFD176.

DKI 14. That at all times relevant herein, the defendant, FAST TRACK, LLC, maintained the aforesaid motor vehicle bearing Oregon State license plate registration number YAFD176.

DK1 15. That at all times relevant herein, the defendant, FAST TRACK, LLC, managed and controlled the aforesaid motor vehicle bearing Oregon State license plate registration number YAFD176.

DK1 16. That on or about August 2, 2006 and at all times relevant herein, the plaintiff, PERVAIZ QURESHI, was the operator of a certain motor vehicle bearing New Jersey license plate registration number KRY37C for the year 2006.

A 17. That at all times relevant herein, the roadway commonly known and identified as Cross Bronx Expressway, at or near its intersection with Black Rock, in the County of Bronx, City and State of New York, was and still is a public thoroughfare

D1B 18. That on or about August 2, 2006 on, at or about the aforementioned roadway, the aforesaid motor vehicles bearing Oregon State license plate registration number YAFD176 came into contact with the aforesaid motor vehicle bearing New Jersey State license plate registration number KRY37C.

D1B 19. That by reason of said contact, the plaintiff, PERVAIZ QURESHI, was caused to be injured, and to sustain painful, permanent, and disabling personal injuries requiring medical care and treatment.

D1B 20. That said contact and the resulting injuries were caused by reason of the carelessness, recklessness and negligence of the defendants herein, and without any negligence on the part of the plaintiff contributing thereto.

D1B 21. That as a result of the foregoing, the plaintiff, PERVAIZ QURESHI, sustained a Serious Injury as defined by Section 5102 of the Insurance Law of the State of New York.

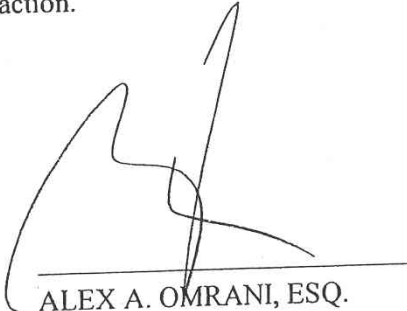
A1B 22. That as a result of the foregoing, the plaintiff, PERVAIZ QURESHI, sustained a loss greater than Basic Economic Loss as defined in Section 5102 of the Insurance Law of the State of New York.

DIB 23. That this action falls within one or more of the exceptions set forth in CPLR section 1602, including but not necessarily limited to §1602(6). Plaintiff defers all issues of law to the Court for resolution at the time of trial.

DIB 24. That by reason thereof, the plaintiff, PERVAIZ QURESHI, has been damaged in a substantial sum of money to be determined by the court and/or a jury, in excess of the jurisdictional limits of all lower courts which might have jurisdiction over the action.

WHEREFORE, the plaintiff, PERVAIZ QURESHI demands judgment of the defendants, joint and severally, for an amount to be determined by the court and/or a jury, together with the costs and disbursements of this action.

Dated: New York, New York
November 16, 2007



ALEX A. OMRANI, ESQ.

STATE OF NEW YORK)
) ss.:
COUNTY OF NEW YORK)

ALEX A. OMRANI, ESQ., being duly sworn, affirms and says that:

He is an attorney duly admitted to practice law in the State of New York and is a member of the firm of OMRANI & TAUB, P.C. in the within action; that he has read the foregoing **Summons and Verified Complaint** and knows the contents thereof, that the same is true to the best of his own knowledge, except as to the matters therein stated to be alleged on information and belief, and that as to those matters he believes them to be true.

The reason this verification is not made by the plaintiff is that plaintiff resides and is located outside the county wherein the undersigned maintains his office.

The source of affirmant's information and the grounds for his belief, as to those matters stated upon information and belief, are statements furnished to deponent by plaintiff, personal investigation of this matter and from records maintained in affirmant's office file.

I affirm the foregoing statements to be true under the penalties of perjury.

Dated: New York, New York
November 16, 2007



ALEX A. OMRANI, ESQ.

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX

-----X
PERVAIZ QURESHI,

Plaintiff,

DEMAND FOR
DAMAGES

-against-

Index No.: 303037/07

YURIY A. DRON, LARISA MAGALYUR and
FAST TRACK, LLC,

Defendants,

-----X
COUNSELORS:

Pursuant to CPLR §3017(c) within fifteen (15) days from the date of service of this request, you are hereby required to set forth the total damages to which plaintiff(s) deems himself/herself entitled to list same separately for each cause of action.

Dated: New York, New York
January 4, 2008

Law Office of John P. Humphreys
By: Robert J. Giard, Esq.
Attorneys for Defendants
YURIY A. DRON, LARISA MAGALYUR
and FAST TRACK, LLC
485 Lexington Avenue / 7th Floor
New York, New York 10017
Telephone No.: (917) 778-6600

TO:
OMRANI & TAUB, P.C.
Attorneys for Plaintiff
535 Fifth Avenue / 23rd Floor
New York, New York 10017
(212) 599-5550

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX

-----X
PERVAIZ QURESHI,

Plaintiff,

- against -

VERIFIED
ANSWER WITH
COUNTER-CLAIM

Index No.: 303037/07

YURIY A. DRON, LARISA MAGALYUR and
FAST TRACK, LLC,

Defendants,
-----X

The Law Office of JOHN P. HUMPHREYS, as attorney and on behalf of defendants, YURIY A. DRON, LARISA MAGALYUR and FAST TRACK, LLC, answering the Complaint of plaintiff herein, upon information and belief, respectfully alleges:

AS AND FOR AN ANSWER ON BEHALF OF DEFENDANTS,
YURIY A. DRON, LARISA MAGALYUR AND FAST TRACK, LLC

1. Upon information and belief denies each and every allegation contained in the paragraph of the Complaint designated "1", "6", "7", "9", "18", "19", "20", "21", "22", "23" AND "24".
2. Denies any knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraphs of the Complaint designated "2", "3", "4", "5", "8", "10", "11", "12", "13", "14", "15" AND "16".

AS AND FOR A FIRST AFFIRMATIVE DEFENSE

3. These parties' responsibility for non-economic loss, if any, which is expressly denied herein, is less than 50% of any responsibility attributed to any tortfeasor, whether or not a party hereto, who is or may be responsible for the happening of plaintiff's alleged accident

and, thus, these parties are entitled to a limitation of damages as set forth in CPLR Article 16.

AS AND FOR A SECOND AFFIRMATIVE DEFENSE

4. The injuries and damages allegedly sustained by plaintiff were caused in whole or in part by the culpable conduct of plaintiff, including negligence and assumption of risk, as a result of which the claim of plaintiff is therefore barred or diminished in the proportion that such culpable conduct of plaintiff bears to the total culpable conduct causing the alleged injuries and damages.

AS AND FOR A THIRD AFFIRMATIVE DEFENSE

5. That if it is determined that plaintiff failed to use available seatbelts, defendant hereby plead such fact in mitigation of damages.

AS AND FOR A FOURTH AFFIRMATIVE DEFENSE

6. That this action is barred by reason of the fact that plaintiff did not sustained a "serious injury" as defined in Section 5102 of the Insurance Law and, thus, has no right of recovery under Sec. 5104 of the Insurance Law.

**AS AND FOR A COUNTERCLAIM FOR COMMON LAW NEGLIGENCE
AGAINST PLAINTIFF THESE DEFENDANTS ALLEGE THE FOLLOWING:**

7. That if plaintiff was caused to sustain injuries and/or damages at the time and place set forth in the Complaint through any carelessness, recklessness and/or negligence other than the plaintiff's own, such damages were sustained in whole or in part by any reason of the carelessness, recklessness and negligence and/or negligent acts of omission or commission of plaintiff.

Further, if plaintiff should recover judgment against these answering defendants, the plaintiff shall be liable to these defendants on the basis of apportionment of responsibility